

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CATHERINE L. FOUNTAINE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER
OF SOCIAL SECURITY,

Defendant.


Civil Action No. 11-0457

**CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. § 405(g)**

This matter having been opened to the Court by RICHARD S. HARTUNIAN, United States Attorney for the Northern District of New York, and Sixtina Fernandez, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 28th day of December 2011;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



Norman A. Mordue, Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN
United States Attorney

By: *s/ Sextina Fernandez*
Sextina Fernandez
Special Assistant U.S. Attorney
Bar No. 513910

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By: *s/ Howard Olinsky* by S.F.
Howard Olinsky, Esq.
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Bar No. 102297